

FINAL STATEMENT OF REASONS

CONDITIONS OF PAROLE

RN 06-01

UPDATE TO THE INITIAL STATEMENT OF REASONS

Upon reviewing the emergency regulatory package, Conditions of Parole, the Office of Administrative Law advised the Board of Parole Hearings (Board) to make several non-substantive changes to the text in which the Board incorporated, as follows:

CCR section 2510:

Definition terms have been added to Section 2510 for purposes of Chapter 5, Article 1 to maintain clarity and consistency.

CCR section 2511:

Definitions have been added to Section 2511, describing the “Notice and Conditions of Parole,” previously referred to as the “notice of parole.” These rules are a description of rules and regulations governing parolees, a violation of which may result in the revocation of parole and the parolee’s return to prison.

At subsection (d), the definition title, “Reasonable Accommodation” has been added for clarification purposes. Further language has been added to clarify that a “reasonable accommodation” and an “appeal of a denial for a reasonable accommodation” can be requested on CDC Form 1824. In sentence three, of subsection (d), “ARP II” has been added to clarify the abbreviation to be used for the Armstrong Remedial Plan.

CCR section 2512:

Language in subsection (a) of Section 2512, defining conditions of parole has been deleted because it is duplicative of language added to Section 2511.

At subsection (c), in reference to “searches,” language has been added stating the parole agent can “also search where you [the parolee] live[s] at any time.” This amendment is necessary to ensure that parolees understand that their person, possessions and residence can be searched. The earlier language merely implied that the residence could be searched.

Amendments at subsection (f) add “a crossbow of any kind” to the list of weapons that a parolee should not own, use, have access to, or have under his or her control. This change is necessary to conform to weapons prohibited under Penal Code section 12020, thus giving the parolee express notice of the prohibitions in the code.

CCR section 2513:

Section 2513 has been restructured through the addition of headings and/or moving text to further clarify the Special, Mandatory Special and Additional Special Conditions of Parole. These changes clarify a number of parolee rights such as: the right to appeal *special* and *additional special* conditions of parole, the right to request a reasonable accommodation, and the right to appeal the denial of a reasonable accommodation.

LOCAL MANDATES

The Board has determined that the proposed action will not impose a mandate on local agencies or school districts.

CONSIDERATION OF ALTERNATIVES

The Board has determined that no reasonable alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulatory action.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will not affect small businesses because they apply only to inmates and parolees of California penal institutions.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Board has determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

FEDERAL FUNDING TO STATE

The Board has determined that the proposed amendments will have no cost or savings in federal funding to the state.

PUBLIC COMMENT PERIOD

No public comments were received during the 45-day public comment period which ran from June 16, 2006 through July 31, 2006. The public did not request a hearing for this regulatory action and thus none was held.